

THE HONOURABLE SRI JUSTICE V. ESWARAI AH

WRIT PETITION No.21781 OF 2006

DATED: 02-07-2007

BETWEEN

Godladona Krishna Rao,
S/o. Hanumantha Rao,
Occ: Retired Engineer in
Panchayat Raj Department,
R/o. Kothapeta, Chirala,
Prakasam District.

...PETITIONER

AND

Government of Andhra Pradesh,
Rep. by its Principal Secretary,
Home Department, Secretariat,
Hyderabad and others.

...RESPONDENTS

ORDER:

-
-

Petitioner seeks a Writ of Mandamus to direct the respondents to transfer the case in Cr.No.6 of 2006 of Pamur Police Station, Prakasam District, Ongole to CBCID to investigate the same in the interest of justice.

2. Petitioner submits that one of his daughters was given in marriage to Dr. Nelleri Malyadri Venkata Ravi Babu in 1996 with sufficient cash, gold and other household articles towards stridhana and they lived happily for two years, thereafter, his son-in-law started harassing his daughter making illegal demands. Therefore, he purchased a site at pamur for Rs.1,80,000/- and got it registered in the name of his daughter in 2002; a dental chair worth Rs.1,50,000/- and surgical equipment worth Rs.50,000/- was also given to

his son-in-law. He further submits that in spite of meeting his illegal demands, his son-in-law not being satisfied used to harass his daughter demanding additional dowry. He further submits, in spite of each and every demand being satisfied, he was informed that his daughter committed suicide. It is the case of petitioner that it is not suicide but it is a case of murder and that the police did not investigate the case properly, therefore, he seeks transfer of the said case to CBCID.

3. Counter has been filed by the first respondent stating that the records reveal that during the course of investigation, the Investigating Officer examined 14 witnesses and that the investigating officer during the observation of scene of offence found damage to the doors of the bedroom and observed that the leaves of the ceiling fan were in bending position. In fact, neither the petitioner nor his wife nor other relatives expressed any suspicion on the accused at the time of their examination by the Mandal Executive Magistrate, Pamur, Prakasam District. After the completion of the investigation, the Investigating Officer, came to the conclusion that the deceased committed suicide by hanging herself to the ceiling fan and the cause of death is due to asphyxia because of hanging. Therefore, it is a case of suicide and accordingly charge sheet has been filed on 25.05.2006, which was numbered as S.C.No.216 of 2006 on the file of the Judicial First Class Magistrate, Kanigiri. Thus, it is stated that the allegation of the petitioner that it is a case of murder was not at all established.

4. Learned counsel for the petitioner submits that 161 Cr.P.C. statements said to have been recorded by the Investigating Officer from the petitioner, his wife and others are not the statements given by them, but the same are distorted versions and not actually recorded from the petitioner, his wife and others.

5. If that be so, I am of the opinion that it is always open to the petitioner to take appropriate steps in accordance with law, if the statements recorded

by the police are not the actual statements said to have been made by the petitioner and others. However, as the charge sheet has already been filed the question of transferring the case, at this juncture, to CBCID does not arise.

The writ petition is accordingly dismissed with a liberty to the petitioner to take appropriate steps to establish that the statements recorded by the police are not the real statements made by him. There shall be no order as to costs.

July 2, 2007
DSK

V. ESWARAIAH, J